

"*Provided*, that any member of said Convention, who may be a member of the Legislature of Texas, or an officer of the State, receiving an annual salary from the Treasury of the State, shall not be entitled to receive the mileage and per diem herein mentioned." Adopted.

Mr. Davis of B., offered the following amendment :

Amend by adding the following caption : "A joint resolution to provide for the per diem and mileage of the members of the Convention, and to submit their action to the people," and by adding an additional section.

Mr. Foscue offered the following as a substitute for the amendment :

Amend by adding this caption : "Joint Resolution concerning the Convention of the people of the State of Texas."

Mr. Duncan moved to adjourn till 10 o'clock, A. M. to-morrow. Lost.

On motion the House adjourned till half past 9 o'clock, A. M. to-morrow.

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HOUSE OF REPRESENTATIVES, }  
Saturday, January 26, 1861. }

The House met, pursuant to adjournment—roll called—quorum present. Journal of yesterday read, and adopted

Mr. Davis of B., one of the committee on Enrolled Bills, reported correctly enrolled, a Bill in relation to the procurement of money due by the United States to the State of Texas, and that the same had been presented to the Governor for his signature and approval.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed, the Bill directing how the proceeds of the sale of the University Lands, now in the Treasury, shall be applied, and the Bill making an appropriation to pay the mileage and per diem of the Presidential Electors.

Mr. Buckley, the chairman of the committee on the Judiciary, reported, recommending the passage of the Bill to amend the act, entitled an act to regulate the descent and distribution of Intestates estates, approved March, 1848, with an amendment by the committee. Amend the caption by inserting the words "the third section of" between the words "amend" and "an".

Mr. Wælder introduced a bill to reorganize the Eighteenth Judicial District, and regulate the times of holding the courts therein. Read first and second time.

On motion of Mr. Wælder, the rule was suspended, bill read, and ordered to be engrossed.

On motion of Mr. Wælder, the rule was further suspended, bill read third time, and passed.

On motion of Mr. Taylor, the Senate's Bill to give additional time for holding the courts in the Twentieth Judicial District, and change the time of holding courts in certain counties in said District, was taken up, read second time, and passed to third reading.

On motion of Mr. Davis, of B., the rule was suspended, bill read third time, and passed.

#### ORDERS OF THE DAY.

Question pending, when the House adjourned last night, viz: Mr. Foscue's amendment to Mr. Davis's of B, amendment to the Resolutions concerning our relations with the Federal Government was taken up.

Mr. Foscue, by leave, withdrew his amendment.

Mr. Davis, of B., offered the following as a substitute for hit amendment. Amend by adding the following caption: "Joins Resolution concerning the Convention of the People of Texas:"

"Section 4. And it is further provided that said Convention should, simultaneously with submitting the ordinance of secession to the people of Texas, also provide for the election of delegates to a Convention to assemble at Austin for the purpose of forming a new Constitution, and making all necessary provisions for the then existing state of affairs. The number of delegates to said Convention should not exceed the number of senators and representatives provided in the apportionment bill of 1860, and the election should be held under it. Should the people of Texas, at the ballot-box, ratify the Ordinance of Secession, then the delegates elected at said election should assemble at Austin, as soon as practicable after the result of said election is ascertained, to discharge said duty. The present Constitution and laws of the State remaining, in the meantime, in full force and effect, until a new one be submitted to the people, and ratified and adopted."

A message was received from the Senate, informing the House that the Senate had appointed Messrs. Quinan, Throckmorton, Holt, Potter, and Blanch, a committee to act with a committee of seven to be appointed by the House, to inquire and report whether any, and what, means are necessary, in the present condition of our federal relations, for the security of the school fund invested in United States bonds. Also, passed the following bills, originating in that body:

A bill entitled an act to attach the County of Wilson to the Eighteenth Judicial District, and to amend the act entitled an act to provide for the time of holding the courts of the several counties in the Eighteenth Judicial District, approved February 11, 1860.

A bill to be entitled an act providing what shall be sufficient *prima facie* evidence in certain cases, in suits brought by the State of Texas.

A bill to be entitled an act for the relief of the Houston Tap and Brazoria Railway Company.

A bill to be entitled an act for the relief of the Houston and Texas Central Railway Company.

A bill to be entitled an act to amend an act, entitled an act to amend an act entitled, an act to Incorporate the Columbus, San Antonio, and Rio Grande Railroad Company, passed February 8, 1860.

A bill to amend an act to Incorporate the Air Line Railroad Company.

A bill to be entitled an act supplementary to, and amendatory of, an act entitled an act to Incorporate the San Antonio and Mexican Gulf Railroad Company, and supplemental to, and amendatory of, the several acts supplemental to, and amendatory of, the above recited act.

Also, a bill supplementary to an act to incorporate the Houston, Trinity and Tyler Railroad Company, and to the acts amendatory of and supplementary thereto; and, also, the following bill, originating in the House:

A bill, making an appropriation to pay the mileage and per diem of the Presidential electors.

Mr. Buckley offered the following as a substitute for the resolutions and proposed amendments:

Whereas, the people of Texas being much concerned for the preservation of the rights, liberties, and powers of the State, and its inhabitants endangered by the political action of a majority of the States, and the people of the same, have, in the exercise of powers reserved to themselves in the Bill of Rights, called a convention, composed of two members for each representative in the Legislature from the various districts established by the apportionment law of 1860, to assemble on the twenty-eighth day of January, 1861, at the City of Austin; which convention, by the terms of the call, made by numerous assemblages of citizens in various parts of the State, was, when elected and assembled, to have power to consider the condition of public affairs, to determine what shall be the future relations of this

State to the Union, and such other matters as are necessarily and properly incident thereto; and, in case it should be determined, by said convention, that it is necessary, for the preservation of the rights and liberties aforesaid, that the sovereignty of Texas should resume the powers delegated to the federal government in the Constitution of the United States, and by the articles of annexation, then the ordinance of said convention, resuming said delegated powers, and repealing the ratification, by the people of Texas, of said articles of annexation, should be submitted to a vote of the qualified electors of this State for their ratification or rejection: therefore,

*Be it resolved, by the Legislature of the State of Texas.* That the Government of the State of Texas hereby gives its assent to, and approves of, the convention aforesaid, and that this resolution take effect, and be in force, from and after its passage.

Mr. Flewellen moved to postpone further consideration of the whole matter until Tuesday next.

Mr. Stewart moved, to lay the amendment and substitute on the table.

On motion of Mr. Dougherty, a division of the question was ordered.

The question then being upon laying the amendment of Mr. Davis, of B., on the table, the same was put, and carried by the following vote; Mr. Crooks calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benivedes, Billingsly, Bryan, Buckley, Caddell, Craig, Crooks, Cumby, Dale, Darnell, Daniels, Dennis, Dickson, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, Maxey, Morris, McCutcheon, Middleton, Mills, Munson, Nelson, Parker, Perry, Redwine, Ross, Rose, Shannon, Shelton, Speights, Stewart, Walworth, Warfield, Waterhouse, Whitfield, and Wortham—55.

NAYS—Messrs. Armstrong, Branch, Clark, Davis of B., Davis of H., Dougherty, Ellett, Epperson, McKnight, Navarro, Norton, Owens, Redgate, Robinson, Taylor, Whitmore and Wrede—17.

The question then recurring upon tabling the substitute, the yeas and nays were ordered by Mr. Buckley. The motion to lay on the table was lost by the following vote:

YEAS—Messrs. Anderson, Barclay, Caddell, Craig, Crooks, Culberson, Cumby, Dale, Darnell, Dennis, Dickson, Dougherty, Duncan, Francis, Harrison of C., Harrison of V. Z., Henry, Houghton, Lewis of M., Lewter, Lynch, Maxey, Morris, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Shel-

ton, Speights, Stewart, Wælder, Walworth, Warfield, Whitfield and Wortham—39.

**NAYS**—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsly, Branch, Brown, Buckley, Clark, Daniels, Davis of B., Davis of H., Ellett, Epperson, Flewellen, Franklin, Foscue, Hancock, Haynes, Henderson, Hubbard, Hubert, Lewis of R., Mabry, Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Redgate, Rose, Shannon, Taylor, Waterhouse, Whitmore and Wrede—39.

Mr. Nelson moved the previous question, which was seconded.

The question being, shall the previous question be now put? the House refused to have it put, by the following vote; Mr. Nelson calling for the yeas and nays:

**YEAS**—Messrs. Anderson, Barclay, Caddell, Craig, Crawford, Crooks, Cumby, Dale, Dennis, Dickson, Duncan, Francis, Foscue, Hall, Harrison of C., Harrison of V. Z., Hubert, Lewis of M., Lewter, Lynch, Mabry, Maxey, Morris, Mills, Munson, Nelson, Parker, Redwine, Ross, Shelton, Stewart, Walworth, Warfield, Whitfield and Wortham—35.

**NAYS**—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsly, Branch, Bryan, Buckley, Clark, Culberson, Darnell, Daniels, Davis of B., Davis of H., Dougherty, Ellett, Epperson, Flewellen, Franklin, Hancock, Hartley, Haynes, Henderson, Hubbard, Lewis of R., Maverick, McCutcheon, McKnight, Middleton, Mundine, Navarro, Norton, Owens, Perry, Redgate, Rose, Shannon, Speights, Taylor, Wælder, Waterhouse, Whitmore and Wrede—43.

Question then being on the adoption of the substitute, the same was put and the substitute adopted, by the following vote: Mr. Buckley calling for the yeas and nays:

**YEAS**—Messrs. Speaker, Armstrong, Baxter, Benevides, Billingsley, Branch, Bryan, Buckley, Crooks, Clark, Culberson, Daniels, Davis of B., Davis of H., Dennis, Ellett, Epperson, Flewellen, Francis, Franklin, Foscue, Hancock, Hall, Harrison of C., Harrison of V. Z., Haynes, Henderson, Henry, Houghton, Hubbard, Hubert, Lewis of R., Maverick, McCutcheon, McKnight, Middleton, Mundine, Munson, Navarro, Nelson, Norton, Owens, Parker, Perry, Redgate, Robinson, Rose, Shannon, Shelton, Taylor, Walworth, Warfield, Waterhouse, Whitmore, Wortham and Wrede—56.

**NAYS**—Messrs. Anderson, Barclay, Caddell, Craig, Crawford, Cumby, Dale, Darnell, Dickson, Dougherty, Duncan, Lewis of M., Lewter, Lynch, Mabry, Maxey, Morris, Mills, Redwine, Ross, Speights, Stewart, Wælder and Whitfield—24.

Mr. Wælder offered the following amendment:

Second. The vote upon any ordinance or ordinances submitted by the Convention to the qualified electors of this State, shall be taken at such time, throughout the State, as the Convention shall appoint, and the election shall be held by the officers now required by law to conduct elections for State officers, and shall be conducted according to the provisions of existing laws, as far as applicable, and the returns made at such time, and to such person or persons, and to such place or places, as the Convention may prescribe. All officers of elections are hereby required to conduct said election in pursuance of these resolutions, and the directions of the Convention, under such penalties as are now prescribed in like cases, and the said election is hereby placed under the protection of such laws, civil and criminal, as are provided in cases of other State elections.

Third. Should said Convention, in addition to submitting to the qualified electors of the State any ordinance which they may pass, call a convention for the purpose of changing the present State Constitution, so as to vest the powers heretofore delegated to the United States in the State Government, then, and in that case, elections for delegates to such convention shall be held at the same time, and conducted, and the returns thereof made, in the manner provided in the second section of these resolutions.

On motion of Mr. Henderson, the amendment was laid on the table by the following vote; Mr. Wælder calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benvides, Billingsly, Branch, Buckley, Caddell, Craig, Crawford, Culberson, Cumby, Dale, Darnell, Daniel, Davis of H., Dennis, Dickson, Duncan, Flewellen, Francis, Franklin, Foscue, Hancock, Hall, Harrison of C., Harrison of V. Z., Henderson, Henry, Houghton, Hubbard, Lewis of M., Lewis of R., Maxey, Morris, McCutcheon, Munson, Nelson, Parker, Perry, Redwine, Ross, Rose, Shelton, Speights, Stewart, Taylor, Walworth, Warfield, Waterhouse, Whitfield and Wortham—53.

NAYS—Messrs. Armstrong, Clark, Davis of B., Dougherty, Edwards, Ellett, Epperson, Lynch, Mabry, Maverick, McKnight, Middleton, Navarro, Norton, Owens, Redgate, Robinson, Shannon, Wælder, Whitmore and Wrede—21.

On motion of Mr. Dickson, the main question was ordered, which being upon the engrossment of the bill, the same was put, and the bill ordered to be engrossed.

On motion of Mr. Buckley, the rule was suspended, by the following vote; Mr. Henry calling for the yeas and nays:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Billingsly, Branch, Bryan, Buckley, Caddell, Craig, Crawford, Clark, Cumby, Dale, Darnell, Daniel, Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewter, Lynch, Maverick, Maxey, Morris, McCutcheon, Mills, Munson, Nelson, Parker, Perry, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Stewart, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—58.

NAYS—Messrs. Armstrong, Davis of H., Ellett, Epperson, Hancock, Henry, Mabry, McKnight, Middleton, Mundine, Norton Owens, Redgate, Taylor and Whitmore—15.

Mr. Nelson proposed to amend the caption, as follows:

Joint resolution concerning the Convention of the people of Texas, called in pursuance of the Bill of Rights.

Adopted; and the bill read third time, and passed by the following vote:

YEAS—Messrs. Speaker, Anderson, Barclay, Baxter, Benavides, Billingsly, Branch, Bryan, Bogart, Buckley, Caddell, Craig, Crawford, Crooks, Cumby, Dale, Darnell, Daniels, Davis of B., Dennis, Dickson, Dougherty, Duncan, Flewellen, Francis, Franklin, Foscue, Hall, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Hubert, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, Maxey, Morris, McCutcheon, McKnight, Middleton, Mills, Munson, Navarro, Nelson, Parker, Perry, Redwine, Robinson, Ross, Rose, Shannon, Shelton, Speights, Short, Stewart, Smith, Wælder, Walworth, Warfield, Waterhouse, Whitfield, Wortham and Wrede—65.

NAYS—Messrs. Armstrong, Clark, Camp, Davis of H., Edwards, Ellett, Epperson, Hancock, Mundine, Norton, Owens, Redgate, Taylor and Whitmore—13.

The House assenting to the request of the Senate, for a joint committee to inquire and report whether any, and what, measures are necessary, in the present condition of our federal relations, for the security of the school fund invested in United States bonds—

The Speaker appointed Messrs. Hubbard, Edwards, Culberson, Epperson, Mabry, Redwine, and Davis of M., to act on the part of the House.

On motion of Mr. Shannon, the bill to provide for the protection of the frontier was made the special order of the day for Monday next; and,

On motion of Mr. Ross two hundred copies were ordered to be printed for the use of the House.

Mr. Wælder moved to suspend the rule, and take up Senate's bills on the Speaker's stand, with the view of their reference to proper committees.

Mr. Branch, one of the committee on Enrolled Bills, reported correctly enrolled, and properly signed, the bill to define the time of holding the courts in the Nineteenth Judicial District, and that the same had been presented to the Governor for his approval and signature.

Mr. Crooks, chairman of committee on Engrossed Bills, reported correctly engrossed the bill to Reorganize the Eighteenth Judicial District.

Mr. Davis of H. moved to adjourn till half-past three o'clock, P. M. Lost.

On motion, the House adjourned till half-past nine o'clock, A. M., on Monday.

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HOUSE OF REPRESENTATIVES, }  
Monday, Jan., 28th, 1861. }

The House met pursuant to adjournment—roll called—quorum present—journal of Saturday read and adopted.

Mr. Buckley, chairman of the committee on the Judiciary, reported a bill to amend the 12th section of an act, entitled an act concerning proceedings in the District Courts, approved March 16th, 1848, and recommended its passage.

Mr. Darnell, chairman of committee on Federal Relations, reported as follows :

The committee on Federal Relations, to whom was referred the Ordinance of secession passed by the Alabama State Convention, have had the same under consideration, and have instructed me to report the same back to the House, with the request that the Speaker transmit the same to the President of the Convention of the State of Texas.

They have, also, had under consideration a set of resolutions, adopted by a portion of the citizens of Montgomery county, Texas, called Union Resolutions.

The committee instruct me to report them back to the House and ask that they be laid on the table.

Mr. Morris, one of the committee on Judiciary, report a bill to postpone forced sales. Read first and second times.

On motion of Mr. Armstrong, the rule was suspended, and the reports of Messrs. Buckley and Morris were taken up, and 100 copies of each ordered to be printed by to-morrow.